INTRODUCTION

The Examining Inspector, Mr Roland Punshon introduced himself. He is a chartered town planner and a senior Inspector employed in the Planning Inspectorate (PINS). He has been appointed by the Secretary of State under Section 20 of the Planning & Compulsory Purchase Act 2004 to undertake the Examination of South Kesteven District Council’s Grantham Area Action Plan DPD and Site Allocations and Policies DPD.

The Inspector informed the meeting that Mrs Fiona Waye is the Programme Officer for the Examination of both documents. Mrs Waye is assisting the Inspector with the administrative arrangements for the Examination. She is the first point of contact if anyone has anything they wish to raise with the Inspector.

The Inspector stated that this meeting followed 2 earlier Exploratory Meetings. Notes of those meetings had been prepared, were displayed on the Examination website and were available through Mrs Waye.

He explained that this 3rd meeting had 3 purposes:

1) to bring everyone up-to-date on issues arising from the publication of the government’s National Planning Policy Framework;

2) to bring everyone up-to-date on additional information which has been provided to the Inspector by the Council and was set out in a pair of papers entitled:
   - Grantham Area Action Plan – Infrastructure Delivery Issues,
   - Site allocations and Policies DPD – Selection Process for Sites and Villages.
   Copies are available on the Council’s website and could be provided by Mrs Waye; and,

3) to discuss with the Council its intended way forward with the Examination.

The Inspector explained that the Meeting was not the forum to discuss representations or the detailed provisions of the DPDs. They would be the subject of the separate Hearing sessions when representors, the Council and interested parties will be able to put their cases.

He explained that the Meeting was not an open meeting in which everyone could take part. However, he would ask if anyone has any questions at the end if there was anything about which anyone is unclear.
The Inspector was not necessarily expecting the Council to give definitive responses at the Meeting as it may have needed to give further consideration to the matters raised.

The Inspector undertook to prepare a Note of this Meeting. A copy would be sent to everyone who has requested a copy when they signed the Attendance List and to anyone else who requests a copy. A copy will be posted on the Examination web-site.

1) National Planning Policy Framework

The Inspector explained that the Framework had been published on 27 March and had come into immediate effect. It was available on the government’s website.

The Inspector explained that the Framework cast some light on matters which had been raised by parties attending earlier Exploratory Meetings and, whilst all of it was relevant, some parts had particular relevance to the Council’s submitted plans.

The Inspector explained that the Framework emphasised that the development plan still lies at the heart of decision making and that planning should be genuinely plan-led. In his view the importance of the development plan in the planning system was, if anything, reinforced.

He explained that the meaning of sustainability had been set out in more detail and the Framework had emphasised that the concept was very broad and covered a wide range of subjects. The Framework embodies the principle that there should be a presumption in favour of sustainable development. Whether or not development is genuinely sustainable will depend on its performance against the detail set out in the Framework. The Minister is keen that PINS should publish a model policy to cover the Framework requirement that plans contain a policy, or policies, that indicate how the presumption in favour of sustainable development should be applied locally. This was being worked on at the time of the meeting but has now been published on the Planning Portal.

Annex 3 of the Framework sets out those documents which it replaces but not all national guidance documents have been withdrawn. The unreplaced guidance remains in force for the time being. Where specific guidance and tests have been removed, the Council may need to consider whether it needs to introduce policies to replace it. Paragraph 153 advises Councils to avoid additional policy documents. In these circumstances Councils need to consider which policies are necessary at an early stage.

The Inspector advised the Council that it should pay particular attention to the following paragraphs in the Statement:

Paragraph 31 requires Councils to work with transport providers for the provision of viable and necessary infrastructure. Paragraph 157 indicates
that infrastructure planning is crucial. Paragraphs 173-177 deal with deliverability and viability in detail.

Paragraph 47 requires Council to provide 5% buffer of housing sites over the 5 year period or 20% if there has been consistent shortfall against targets. These are not necessarily new sites, they can be moved forward in plan period, but they need to be developable.

Paragraph 48 indicates windfalls can be taken into account if evidence supports delivery. But paragraph 53 deals with development in private gardens.

Paragraph 55 gives guidance on which villages should be identified for growth i.e. villages where development would enhance or maintain the vitality of community.

General points arising from the Framework and related issues:

The Minister has made clear that he wants Inspectors to do as much as they could to assist Councils to reach a point where they can adopt sound plans although, clearly, plans which are unsound will not be recommended for adoption.

Paragraphs 178-181 of the Framework deal with the duty to co-operate. Regulation 4 of the recently published revised Regulations prescribes the relevant bodies for the purposes of s33A(1)(c) of the 2004 Act - the duty to co-operate. The legal duty to co-operate will only apply to strategic matters set out in paragraph 156 which cross administrative borders. This is not a duty to agree – a Council which can demonstrate that it has made all reasonable efforts to co-operate will have satisfied this test. However, there is also a ‘soundness’ duty to co-operate. The Council will have to provide evidence to show that proper collaborative working has taken place if the plan is to be deliverable and therefore sound. In these circumstances, whilst a lack of co-operation may not result in a ‘first hurdle’ failure of the new legal duty to co-operate test, the plan may ultimately fail on the soundness test of effectiveness if co-operation to secure delivery of the plan is not demonstrated.

The Framework does not contain any mention of monitoring and implementation. However, the plan must be ‘effective’ and ‘flexible’ and the Inspector felt that it was difficult to see how this could be done without a proper monitoring and implementation strategy. Monitoring Reports under Regulation 34 have to include information on the actions taken to comply with the s33A duty to co-operate, and need to specify actual housing numbers compared to Local Plan requirements.

On the issue of Localism, the government has made it clear that Inspectors should not be re-writing plans and Inspectors should not be imposing changes on the Council. However, the government has not moved from its earlier message that a formal request by the Council for the Inspector to make Main Modifications to a plan to make it sound could result in Inspector recommending his own Main Modifications.
The process would be that, following a formal request from the Council, the Inspector could recommend his own Main Modifications which he considered were needed if the plan was to be found sound. These Main Modifications would have to be made by the Council if the plan was to be adopted. However, if dissatisfied, the Council could always decline to adopt the plan on that basis and take a step back in the process to devise an alternative using the Inspector’s recommended change as a guide. In practice, the Inspector considered that such a scenario was most unlikely to arise as discussions in the Examination process would, in the vast majority of cases, reach consensus on the changes which were necessary.

Implications of the Framework on the Plan Process

Transitional arrangements have been put in place in respect of plans already adopted. The Council will therefore need to review its adopted Core Strategy over the next 12 months.

The Framework MUST be taken into account in Examination process. Where a plan is in the process of Examination, the Inspector’s view was that the safest course of action would be for the Council to review the plan to establish whether any changes are necessary to bring it into line with the Framework. The Council should undertake a full round of consultation to give all parties an opportunity to comment on the relevance of the Framework to the plan provisions.

2) Additional Information Submitted by the Council

The Inspector had read the additional documents provided by the Council. He stated that he was satisfied that they provide sufficient information to allay his initial fears with regard to the standard of the background work which supported the plans. However, he stressed that he was not at this stage saying that the plans were sound in this regard but only that the information set out in the documents indicated that there is, at least, some processes and methodologies which had been undertaken which could prevent the plans from being found unsound immediately. Provided these processes and methodologies stand up to scrutiny through the Examination process there would be no need to alter the basic strategy of the plans and they could, therefore, be accommodated as Main Modifications.

The Inspector accepted that some may not agree with his view but he was firmly of the opinion that the proper place for those concerns to be addressed was at the Hearing sessions.

The Inspector stated that, in his view, the plans needed amendment to embed this information into the strategy. The Council should consider the proposed changes but the Inspector advised that the Council should be comprehensive in this. In the Inspector’s view, these changes together with changes to the Monitoring and Implementation Strategy, any changes arising from the publication of the National Planning Policy
Framework and any other changes which the Council was considering would not, in themselves, amount to a re-write of the Plans. However, the Inspector warned that these would add to the cumulative number of changes which may arise through the rest of the Examination process and that this could eventually lead me to a conclusion that the cumulative number of changes would be sufficient to amount to a re-write. If this point was reached he could indicate that, given the number of changes, any request to make Modifications had become inappropriate.

3) The Way Forward With the Examination

The Inspector explained that he could see 3 options:

1. The Council could press on and seek to persuade the Inspector that the plans as submitted were sound and legally compliant without modification. However, he already considered that some Main Modifications were necessary and additional changes were likely to arise from the publication of the Framework.

2. The Council could withdraw the plans, make the necessary changes. The Council could then re-consult on the new plan and re-submit. Any further changes which come out of the Hearings, etc could be re-consulted on later. The Inspector advised that this approach had the advantage of starting with a 'clean slate' and that the cumulative number of modifications was less likely to amount to a plan re-write.

3. Either:

   a) Leave the plans as submitted but undertake an additional round of consultations on the proposed changes before the Hearings and deal with plans through the Hearings on the basis of the amendments. The Inspector warned that that the danger of this option was the cumulative number of modifications may eventually amount to a plan re-write.

   b) Proceed to the Hearings on the basis of the plans as submitted and introduce the proposed changes through the Hearings and reconsult on all of the changes after the Hearings. The Inspector advised against this option as he considered it would be very confusing for those taking part and could be very time-consuming in the long-run.

The Council expressed a strong preference for option 3.a) above.

The Inspector stressed that the way in which the proposed changes were presented would need care to ensure that those consulted clearly understood what was involved. The re-consultation should also make clear that views were being sought only on the proposed changes and any relevant matters arising from the publication of the National Planning Policy Framework. It should make clear that representations which had already been received to the submitted plans would be taken into account if the representor had no additional comment to make.
Examination timetables were discussed. It was agreed that:

a. The Council would prepare its proposed amendments by 1 June 2012;
b. The Council would re-consult on the proposed amendments and the National Planning Policy Framework by 15 June 2012;
c. The re-consultation period would end on 27 July 2012;
d. The Inspector would examine the representations in the weeks ending 3 and 10 August 2012;
e. The Inspector would hold a Pre-Hearing Meeting in respect of both plans on 15 August 2012 when draft timetables and agendas for the Hearing would be issued;
f. Hearings into the Grantham AAP would commence in the week beginning 1 October 2012;
g. Hearings into the Site Allocations and Policies Plan would start in the week beginning 1 November 2012.